

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE:

EUGENE STAFFORD COX, JR.

CASE NO.: 18-73324-FJS

DEBTOR

CHAPTER 13

MOTION TO RELEASE HOLD ON ATTORNEY'S FEES

COMES NOW Debtor's Counsel, Courtney Thomas, and moves the Court for good cause shown to release the hold on the attorney's fees paid through the plan. In support of the Motion, Counsel shows the Court the following:

1. That the Debtor filed a Chapter 13 bankruptcy on September 21, 2018.
2. That the Debtor filed an Amended Plan on December 11, 2018.
3. That a confirmation hearing for the Amended Plan was scheduled for January 15, 2019.
4. That, on January 7, 2019, the Chapter 13 Trustee Michael P. Cotter filed an Objection to Confirmation of the Amended Plan.
5. That, on January 10, 2019, the Trustee withdrew the Objection.
6. That, on January 13th, Genene Gardner, the attorney scheduled to appear at the firm's January 15th confirmation hearings, emailed Trustee's counsel, Warren Uthe, about whether the Trustee intended to file his Statement recommending confirmation of Mr. Cox's plan.

Courtney J. Thomas, Esq., VSB#88572
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7. That, on January 14, 2019, Mr. Uthe promptly responded that the Statement would not be filed as the deadline had passed but that the Trustee would recommend confirmation at the scheduled hearing.
8. That Counsel for the debtor was copied in the abovementioned email and believed that Mr. Cox would have representation at his confirmation hearing.
9. That on January 14, 2019, Mr. Uthe indicated to Debtor's Counsel in a separate email exchange that he would cancel the hearing and send an order sustaining regarding Ms. Jones-Williams, another client of Counsel's who had a confirmation hearing set in the same docket as Mr. Cox. This email exchange originally included the names of both Mr. Cox and Ms. Jones-Williams in the subject line as Mr. Uthe initially inquired about the Trustee's objections to both debtors' plans.
10. That one of the paralegals who was copied in the exchange misread the cancelled hearing to be in reference to Mr. Cox' hearing and proactively updated the calendar to indicate the same by adding a note that the hearing was cancelled, and changing the color of the hearing from red (active) to gray (inactive) in our calendar system.
11. That the files for the January 15th hearings were prepared based on the active cases listed in the calendar which were all scheduled to be held at 10:30 am.
12. That Mr. Cox appeared for his 9:30 a.m. hearing without a representative.
13. That Genene Gardner appeared for all the hearings marked as active in our calendar system and therefore did not attend Mr. Cox's 9:30 a.m. hearing that was grayed

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out as cancelled.

14. That Debtor's counsel acknowledges Mr. Cox did not receive adequate representation at the confirmation hearing.
15. That Counsel will be reducing attorney's fees by \$250 to account for Mr. Cox's time and stress at the hearing.
16. That Counsel met with Mr. Cox to discuss the hearing and the reduction in attorney's fees.
17. That Counsel and firm employees, in addition to being more vigilant, will implement a new policy that only allows attorneys to remove hearings from active to inactive status on the calendar system and that our office will check the court's docket before each hearing date.

WHEREFORE, debtor's counsel asks that this Court grant the Motion to release the hold on the attorney's fees.

Respectfully Submitted,

By /s/ Courtney J. Thomas
Attorney for Debtor

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion was transmitted electronically or sent by regular mail this 26th day of March, 2019 to John P. Fitzgerald, III, Office of the United States Trustee, Region 4-N, 200 Granby Street, Room 625, Norfolk, VA 23510; Michael P. Cotter, Chapter 13 Trustee, 870 Greenbrier Circle, Suite 402, Chesapeake, VA 23320; Eugene Stafford Cox, Jr., 508 Jacqueline Avenue, Virginia Beach, VA 23462; via certified mail to the parties of interest as listed below and to all other parties of interest as listed on the attached mailing matrix.

/s/ Courtney J. Thomas
Attorney for Debtor

Capital One Bank (USA), NA
Richard D. Fairbank, CEO
4851 Cox Road
Glen Allen, VA 23060

U.S. Bank, NA
Andrew Cecere, CEO
425 Walnut Street
Cincinnati, OH 45202

HSBC North America Holdings, Inc.
Patrick Burke
President & CEO
452 Fifth Avenue
New York NY 10018

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**UNITED STATES BANKRUPTCY COURT
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CASE NO.: 18-73324-FJS

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CHAPTER 13

NOTICE OF MOTION

Courtney Thomas, Debtor for Counsel, has filed documents with the court to release the hold on her attorney's fees.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before 21 days from the date of this motion you or your attorney must:

- ✓ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
600 Granby St., 4th Fl.
Norfolk, VA 23510

You must also mail a copy to:

Courtney J. Thomas, Esq., VSB#88572
The Merna Law Group, P.C.
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Virginia Beach, VA 23452
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Courtney J. Thomas, Esq.
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3419 Virginia Beach Blvd. #236
Virginia Beach, VA 23452

John P. Fitzgerald, III
Office of the US Trustee - Region 4 -N
200 Granby Street, Room 625
Norfolk, VA 23510

Michael P. Cotter
Chapter 13 Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320

Eugene Stafford Cox, Jr.
508 Jacqueline Avenue
Virginia Beach, VA 23462

() Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing relief requested, the court may grant the relief without holding a hearing.**

() Attend the hearing on the motion scheduled to be held on

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: March 26, 2019

Signature, name, address and telephone number of person giving notice:

/s/ Courtney J. Thomas
Courtney J. Thomas, Esq., VSB#88572
3419 Virginia Beach Blvd., #236
Virginia Beach, VA 23452
(757) 340-4895
Attorney for Debtor

Courtney J. Thomas, Esq., VSB#88572
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/s/ Courtney J. Thomas
Attorney for Debtor

Capital One Bank (USA), NA
Richard D. Fairbank, CEO
4851 Cox Road
Glen Allen, VA 23060

U.S. Bank, NA
Andrew Cecere, CEO
425 Walnut Street
Cincinnati, OH 45202

HSBC North America Holdings, Inc.
Patrick Burke
President & CEO
452 Fifth Avenue
New York NY 10018

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Anesthesia Specialists

Ashley Funding Services, LLC

Atlantic Anesthesia, Inc.

138 Rosemont Road, Suite 215

Resurgent Capital Services

134 Business Park Drive

Virginia Beach, VA 23452-4336

PO Box 10587

Virginia Beach, VA 23462-6523

Greenville, SC 29603-0587

Bayview Medical

Bayview Physicians Group

Capital One

c/o Credit Control

P.O. Box 7068

P.O. Box 30253

11821 Rock Landing Dr

Portsmouth, VA 23707-0068

Salt Lake City, UT 84130-0253

Newport News, VA 23606-4225

Capital One Bank (USA), N.A.

Central Credit Services, INC

Emergency Phys of Tidewater

by American InfoSource as agent

PO Box 15118

c/o Credit Control

PO Box 71083

Jacksonville, FL 32239-5118

11821 Rock Landing Drive

Charlotte, NC 28272-1083

Newport News, VA 23606-4225

HSBC Bank Nevada

Hampton Roads Radiology

Lab Corp

c/o Portfolio Recovery Solutions

c/o Eastern Account Sys

P.O. Box 2270

120 Corporate Blvd Ste 100

75 Glen rd Ste 310

Burlington, NC 27216-2270

Norfolk, VA 23502-4952

Sandy Hook, CT 06482-1175

Medical Center Radiology

Mid-Atlantic Cardiothoracic Su

NAVY FEDERAL CREDIT UNION

c/o Credit Control Corp

600 Gresham Dr #8600

PO BOX 3000

11821 Rock Landing Rd

Norfolk, VA 23507-1904

MERRIFIELD VA 22119-3000

Newport News, VA 23606-4225

Navy Federal Credit Union

(p) PORTFOLIO RECOVERY ASSOCIATES LLC

Radius Global Solutions

P.O. Box 3700

PO BOX 41067

9550 Regency Square Ste 602

Merrifield, VA 22119-3100

NORFOLK VA 23541-1067

Jacksonville, FL 32225-8169

Select Portfolio Servicing***

Select Portfolio Servicing, Inc.

Sentara

c/o Corporation Service Company

P.O. Box 65250

P.O. Box 791168

1111 E. Main Street

Salt Lake City, Utah 84165-0250

Baltimore, MD 21279-1168

Richmond, VA 23219-3531

Sentara Healthcare

Tiffany & Tiffany, PLLC

Verizon

535 Independence Pkwy, Ste 700

770 Independence Circle Ste200

500 Technology Dr Ste 300

Chesapeake, VA 23320-5192

Virginia Beach, VA 23455-6452

Saint Charles, MO 63304-2225

Virginia Beach Gen. Dist. Ct

Courtney Jordan Thomas

Eugene Stafford Cox Jr.

2425 Nimmo Pkwy

The Merna Law Group, P.C.

508 Jacqueline Avenue

Virginia Beach, VA 23456-9122

3419 Virginia Beach Blvd #236

Virginia Beach, VA 23462-2027

Virginia Beach, VA 23452-4419

John P. Fitzgerald, III
Office of the U.S. Trustee, Region 4 -N
200 Granby Street, Room 625
Norfolk, VA 23510-1819

Michael F. Cotter
Document Chapter 13 Trustee
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320-2641

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4) .

Portfolio Recovery Associates, LLC
POB 41067
Norfolk VA 23541

End of Label Matrix	
Mailable recipients	31
Bypassed recipients	0
Total	31